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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	09/976,555
		Filing Date	October 12, 2001
		First Named Inventor	Peter Goldstein
		Group Art Unit	2873
		Examiner Name	R. Mack
Total Number of Pages in This Submission		Attorney Docket Number	HO-P02306US0

### ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
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<input checked="" type="checkbox"/> Response to Office Action Dated 1/15/2003	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
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<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below)
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### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name	FULBRIGHT & JAWORSKI L.L.P. Edward D. Steakley
Signature	
Date	April 9, 2003

### Transmittal

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#9 PB 4/15/03

Docket No.: HO-P02306US0  
(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Peter Goldstein, et al

Application No.: 09/976,555

Group Art Unit: 2873

Filed: October 12, 2001

Examiner: R. Mack

For: CLOSED-LOOP FOCAL POSITIONING  
SYSTEM AND METHOD

### RESPONSE TO OFFICE ACTION DATED 1/15/2003

Commissioner for Patents  
Washington, DC 20231

Dear Sir:

This paper is submitted in response to the Office Action dated January 15, 2003, for which the three-month date for response is April 15, 2003.

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### REMARKS/ARGUMENTS

#### *Status of the Claims*

Claims 1-28 are pending in the application.

Claims 14 and 15 are in condition for allowance. Claims 2 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim.

Claims 1, 3-11, 13 and 16-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Kelly et al. (5923473).

No claims have been amended.